

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2019-13

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF JOSEPH and JANE CROUCHMAN
FRONT YARD SETBACK
IMPERVIOUS LOT COVERAGE
VARIANCES
BLOCK 146.04 LOT 1
IN THE RA LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

Decided: October 7, 2019
Resolution Memorialized: October 7, 2019

WHEREAS, Jane and Joseph Crouchman have made application to the Florence Township Zoning Board of Adjustment for front yard setback and impervious lot coverage variances to permit construction of a 10' x 28' wooden deck and ramp for handicapped accessibility, at a property located at the corner of Delaware and Maple Avenues, designated as 350 Delaware Avenue and known on the official Tax Map of the Township of Florence as Block 146.04, Lot 1;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that proper mailed and published notice was given by the applicant, so that jurisdiction was proper in the Board, the Board opened the public hearing on the application at its October 7, 2019 regular meeting;

WHEREAS, Mrs. Crouchman appeared before the Board *pro se*, was sworn, and offered her testimony in support of the application;

WHEREAS, Kurt Zitzler, Jr., of 1009 Fifth Street, contractor for the project, was also sworn and offered his testimony in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property located at 350 Delaware Avenue, and known on the official Tax Map of the Township of Florence as Block 146.04, Lot 1, and therefore has standing to bring this application before the Board.
2. Application has been made for a front yard setback variance to allow construction of a new 10' x 28' wooden deck and handicap accessibility ramp on the existing single-family dwelling that would be only 8.75 ft. from the right of way line of Maple Avenue (considered a second front yard under the applicable ordinances) when a setback of 25 ft. is required and a setback of 17.8 ft. exists. The applicant also requests an impervious lot coverage variance to allow the house and accessory improvements to cover up to 27.5% of the total lot area of the property when 25% coverage is allowed and 26.5% exists. In the course of the public hearing, the applicant's impervious coverage variance request was amended to a total of 28.5% to allow for future construction of a connecting paved walkway from the bottom of the proposed ramp to the existing concrete walkway at the front of the dwelling.
3. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. The applicant has submitted the following documents in support of its application
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - d. A Township of Florence Zoning Officer's Certification that variance relief is required;
 - e. A survey plan prepared by William J. Robbins, PLS, dated 08-04-2019, which shows the property outbounds, and the locations of existing improvements

- f. A set of architectural drawings of the proposed improvements comprised of 9 sheets prepared by Benedetto Catarinicchia, AIA of ZACS International, LLC, dated June 20, 2019.
5. The Board's Engineer, Hugh Dougherty, PE, CME, of the Pennoni Associates, submitted a review letter commenting upon the application dated September 24, 2019, which is hereby incorporated into the record.
6. The subject property is an existing undersized lot of 5,691 sq. ft. when a conforming lot would be 10,000 sq. ft., the lot's width is narrower than required.
7. The subject property is a corner lot, and the side facing Maple Avenue is considered a "second" front yard. The principal elevation of the dwelling faces Delaware Avenue.
8. Based upon the testimony of the applicant and her contractor, which the Board accepts as credible, the proposed deck will be screened from view by the existing 6 ft. tall fence as well as trees and shrubs, other properties in the neighborhood have similar or lesser setbacks and intensities of improvement, there will be no changes to existing grading, and there are no existing problems with runoff on the subject or adjoining properties.
9. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
10. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed front yard setback, and impervious lot coverage variances can be granted pursuant to NJSA 40:55D-70(c)(1), because the subject property is undersized, the location of the existing dwelling would preclude construction of an accessibility ramp without variance relief, and strict adherence to the ordinance impervious coverage standard would preclude improvement of the property to accommodate accessibility needs. Since there are varying setbacks already for nearby properties, and there are no existing runoff issues, grant of the requested variances would create minimal detriments to the public good. The proposed deviations do not create any substantial detriments to the public

good or zone plan. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variances.

DAVID C. FRANK
ATTORNEY AT LAW

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Jane and Joseph Crouchman seeking front yard setback and impervious lot coverage variances to permit construction of a 10' x 28' wooden deck and ramp for handicapped accessibility, at a property located at the corner of Delaware and Maple Avenues, designated as 350 Delaware Avenue and known on the official Tax Map of the Township of Florence as Block 146.04, Lot 1, be, and hereby is, **APPROVED**, subject to the following conditions:

1. No additional stormwater shall be directed toward adjoining properties as a result of the proposed development.
2. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to the Uniform Construction Code;
3. All taxes and escrow fees for professional review must be paid current and in full.
4. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within one year of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE APPLICATION:

Moved by : Mr. Buddenbaum
Seconded by : Mr. Lutz
In Favor : Mr. Buddenbaum, Mr. Lutz, Mr. Cartier, Mr. Drangula,
Opposed : Mr. Patel, Mr. Sovak, Chairman Zekas
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Lutz
Seconded by : Mr. Buddenbaum
In Favor : Mr. Lutz, Mr. Buddenbaum, Mr. Cartier, Mr. Drangula,
Opposed : Mr. Patel, Mr. Sovak, Chairman Zekas
Abstained : None
Absent : None

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

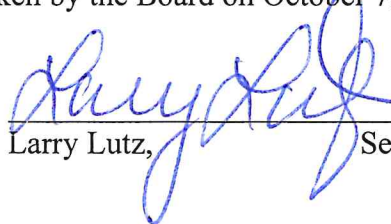
Dated: 7 OCT 2019


B. Michael Zekas, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on October 7, 2019 and memorializes a decision taken by the Board on October 7, 2019.

Dated: 10/07/2019


Larry Lutz, Secretary